

1. No person shall offer or make, and no City official shall solicit or accept, any advance or reimbursement for travel expenses (including related lodging and reasonable subsistence expenses) with the intent that the City official will be influenced thereby in the performance of any official act.

2. No person who is a restricted source shall offer or make, and no City official shall accept from a restricted source as to that official, any advance or reimbursement for travel expenses (including related lodging and reasonable subsistence expenses).

3. No lobbyist or lobbying firm shall act as an agent or intermediary in the making of, or arrange for the making of, any advance or reimbursement for travel expenses (including related lodging and reasonable subsistence expenses) by another person, to any City official.

4. The payment for travel expenses of a City official traveling on government business shall not be prohibited by this section in any case where the payment is a gift or other payment to the City of Los Angeles or to any government agency for which the City Council is the code reviewing body with respect to that agency's conflict of interest code, rather than a gift or income to the official, within the meaning of the Political Reform Act of 1974, as amended, and the regulations of the Fair Political Practices Commission.

5. Travel expenses subject to the prohibitions of this subsection include expenses for intrastate travel and lodging related to a City official's speaking at an event, participating in a seminar or providing similar services, notwithstanding the provisions of Title 2, California Code of Regulations, Section 18728, or any successor section.

6. Travel expenses subject to the prohibitions of this subsection do not include any payment for travel expenses from a campaign committee; a nonprofit organization of which the City official is a member; or an organization of which the City, an agency, or the official is a member acting in an official City capacity.

7. This subsection does not limit travel expenses and meals paid for by a local, state, federal or foreign government agency.

SEC. 49.5.11. Lobbying Activities of Former Officials and Employees. (*Title and Section Amended by Ord. No. 172891, Eff. 12/10/99*)

A. No former City official or employee of any agency (as defined in Section 49.5.2) who personally and substantially participated in a decision, proceeding, claim, contract, legislation or other specific matter during his or her City service, shall, for compensation,

attempt to influence any action on that specific matter on behalf of any person other than an agency. This prohibition applies only if the specific matter is still pending before an agency or if an agency is a party to or has a direct or substantial interest in the specific matter. For purposes of this provision, "personal and substantial" participation includes, but is not limited to, making or voting on a decision or making a recommendation, rendering advice, investigation or conducting research.

B. No former City official or agency employee shall, for compensation, knowingly counsel, or assist any other person other than an agency (as defined in Section 49.5.2) in connection with an appearance or communication in which the former official or employee is prohibited from engaging pursuant to Subsection A.

C. The prohibitions contained in Subsections A and B shall not apply:

1. To prevent a former City official or agency employee from making or providing a statement, based on the former official's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses.

2. To communications made solely for the purpose of furnishing information by a former City official or agency employee if the court or agency to which the communication is directed makes written findings that:

- (a) The former official or employee has outstanding and otherwise unavailable qualifications;
- (b) The former official or employee is acting with respect to a particular matter which requires such qualifications; and
- (c) The public interest would be served by the participation of the former official or employee.

3. With respect to appearances or communications in a proceeding in which a court or agency has issued a final order, decree, decision or judgment but has retained jurisdiction, if the agency of former employment gives its consent by determining that:

- (a) At least five years has elapsed since the termination of the former official's or employee's employment or term of office; and
- (b) the public interest would not be harmed.

D. For one year after leaving City service, no former elected City officer, member of the City Ethics Commission or other former high level official shall, for compensation, engage in direct communication with any agency for the purpose of attempting to influence

any action or decision on any matter pending before an agency on behalf of any person other than an agency.

E. For one year after leaving City service, no former City official shall for a compensation, engage in direct communication with any agency in which he or she served during the twelve month period preceding his or her departure from City service, for the purpose of attempting to influence any action or decision on any matter pending before that agency on behalf of any person other than an agency. For purposes of this subsection, the agency of a City Council office employee means his or her former Council office and the Councilmember of that district.

F. For purposes of this section, a decision does not include any ministerial action. A ministerial action is one that does not require a City official or employee to exercise discretion concerning any outcome or course of action.

G. Upon the petition of any interested person or party, a court or the presiding or other officer, including but not limited to any hearing officer, in any judicial, quasi-judicial or other proceeding, may, after notice and an opportunity for a hearing, exclude any person found to be in violation of this section from further participation, or from assisting or counseling any other participant, in the proceeding then pending before such court or presiding or other officer.

H. No provision contained in this section shall prevent any former City official from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before an agency.

I. This section shall not apply to the activities of any former City official or employee who is an elected or appointed officer or employee of any city, county, district, multi-jurisdictional, state or federal government agency, when that former City official or employee is solely representing that agency in his or her official capacity as an officer or employee of the agency.

SEC. 49.5.12. Future Employment of City Officials. *(Title and Section Amended by Ord. No. 168,057, Eff. 8/8/92.)*

A. No member of the City Council or member of any board, commission, committee or other such voting body of any agency who is required to file statements of economic interests pursuant to the California Political Reform Act, shall directly or indirectly, knowingly or willfully negotiate the possibility of future employment with any person (other than a government agency) who has a matter within the regulatory, proprietary, or contractual jurisdiction of his or her agency currently pending before that officer or employee or before any body of which he or she is a voting member.

B. No other City official shall, directly or indirectly, knowingly or willfully negotiate the possibility of future employment with any person (other than a government agency) who has a matter within the regulatory, proprietary, or contractual jurisdiction of his or her agency currently pending before that officer or employee.

C. No person who has a matter pending before a City official, or before any body of which the official is a voting member shall, directly or indirectly, knowingly or willfully negotiate the possibility of future employment of that City official.

D. No City official shall make, participate in making or use his or her official position to influence a decision involving the interests of a person with whom he or she has an agreement concerning future employment.

SEC. 49.5.13. Participation of Elective City Officers and Employees in Governmental Decisions. *(Title and Section Amended by Ord. No. 175344, Eff. 8/16/03.)*

A. In addition to the requirements of Government Code Sections 87100, et seq., no officer or employee of the City shall knowingly make, participate in making, or attempt to use his or her official position to influence any governmental decision directly relating to any contract where the City official knows or has reason to know that any party to the contract is a person by whom the City official was employed immediately prior to entering government service within 12 months prior to the time the official acts on the matter.

B. Any person that meets either of the criteria set forth in Subdivisions 1 and 2 below and that makes one or more payments in the aggregate amounts set forth in Subsection C for independent expenditures or non-behested member communications to support the candidacy of an individual who is thereafter elected or reelected to an elective City office shall file a report with the City Ethics Commission, disclosing the information set forth after each of the criteria:

1. The person is directly involved in a decision before an elected City officer, and within 12 months prior to the decision, the person made one or more independent expenditures or one or more payments for member communications in support of that officer at the time the officer was campaigning for election or reelection to any office.

(a) The person shall disclose the filer's name, address and telephone number; the elected City official in support of whom the payment was made; the date(s) and amount(s) of the payment(s); the identity of the matter on which the decision is made; and the date on which the person became directly involved in the decision.

ARTICLE III CONDUCT OF GOVERNMENT OFFICIALS AND EMPLOYEES**CHAPTER 2 CONFLICT OF INTEREST AND OTHER PROHIBITED ACTIVITIES**

CHAPTER 2 CONFLICT OF INTEREST AND OTHER PROHIBITED ACTIVITIES

Sec. 3.200. Findings and Purpose.

Sec. 3.202. Construction.

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Sec. 3.230. Prohibition on Political Activity.

Sec. 3.232. Prohibition on Use of Public Funds for Printed Greeting Cards.

Sec. 3.234. Post-Employment Restrictions.

contracting with any specific person or entity. The Ethics Commission may waive the restriction in subsection (b) if the Commission determines that granting a waiver is necessary for the proper administration of a governmental program or action. (Added by Proposition E, 11/24/2003)

SEC. 3.228. DISCLOSURE OR USE OF CONFIDENTIAL CITY INFORMATION.

No current or former officer or employee of the City and County shall: (a) willfully or knowingly disclose any confidential or privileged information, unless authorized or required by law to do so; or (b) use any confidential or privileged information to advance the financial or other private interest of himself or herself or others. Confidential or privileged information is information that at the time of use or disclosure was not subject to disclosure under the Sunshine Ordinance or California Public Records Act. (Added by Proposition E, 11/24/2003)

SEC. 3.230. PROHIBITION ON POLITICAL ACTIVITY.

(a) **Solicitation of Contributions.** No City officer or employee shall knowingly, directly or indirectly, solicit political contributions from other City officers or employees or from persons on employment lists of the City. Nothing in this section shall prohibit a City officer or employee from communicating through the mail or by other means requests for political contributions to a significant segment of the public which may include City officers or employees.

(b) **Political Activities in Uniform.** No City officer or employee shall participate in political activities of any kind while in uniform.

(c) **Political Activities on City Time or Premises.** No City officer or employee may engage in political activity during working hours or on City premises. For the purposes of this subsection, the term "City premises" shall not include City owned property that is made available to the public and can be used for political purposes. (Added by Proposition E, 11/24/2003)

SEC. 3.232. PROHIBITION ON USE OF PUBLIC FUNDS FOR PRINTED GREETING CARDS.

(a) **Definitions.** The term "greeting card" means any printed card that celebrates or recognizes a holiday.

(b) **Prohibition.** No public funds may be used to design, produce, create, mail, send, or deliver any printed greeting card. The Controller of the City and County of San Francisco shall, in the Controller's sole discretion, determine whether a payment is prohibited under this section.

The Controller's decision regarding whether a payment is prohibited under this section is final. (Added by Proposition E, 11/24/2003)

SEC. 3.234. POST-EMPLOYMENT RESTRICTIONS.

(a) **All Officers and Employees.**

(1) **General Post-Employment Restrictions.**

(A) **Permanent restriction on representation in particular matters.** No former officer or employee of the City and County, after the termination of his or her service or employment with the City, shall, with the intent to influence, act as agent or attorney, or otherwise represent, any other person (except the City and County) before any court, or before any state, federal, or local agency, or any officer or

employee thereof, by making any formal or informal appearance or by making any oral, written, or other communication in connection with a particular matter:

- (i) in which the City and County is a party or has a direct and substantial interest;
- (ii) in which the former officer or employee participated personally and substantially as a City officer or employee;
- (iii) which involved a specific party or parties at the time of such participation; and
- (iv) which is the same matter in which the officer or employee participated as a City officer or employee.

(B) Permanent restriction on assisting others in particular matters. No former officer or employee of the City and County, after the termination of his or her service or employment with the City, shall aid, advise, counsel, consult or assist another person (except the City and County) in any proceeding in which the officer or employee would be precluded under subsection (A) from personally appearing.

(C) Exception for testimony. The prohibitions in subsections A and B do not prohibit a former officer or employee of the City and County from testifying as a witness, based on the former officer's or employee's personal knowledge, provided that no compensation is received other than the fees regularly provided for by law or regulation of witnesses.

(D) One year restriction on communicating with former department. No former officer or employee of the City and County, for one year after termination of his or her service or employment with the City, shall, with the intent to influence a government decision, communicate orally, in writing, or in any other manner on behalf of any other person (except the City and County) with any officer or employee of the department, board, commission, office or other unit of government, for which the officer or employee served.

(E) Waiver.

(i) At the request of a former City officer or employee, the Ethics Commission may waive any of the restrictions in subsections (a)(1)(A), (a)(1)(B) and (a)(1)(D) if the Commission determines that granting a waiver would not create the potential for undue influence or unfair advantage. The Ethics Commission shall adopt regulations implementing this provision.

(ii) The Ethics Commission may waive any of the restrictions in subsections (a)(1)(A), (a)(1)(B) and (a)(1)(D) for members of City boards and commissions who, by law, must be appointed to represent any profession, trade, business, union or association.

(2) Future Employment.

(A) Future Employment With Parties That Contract With The City. No officer or employee of the City shall, for a period of one year after termination of City service or employment, be employed by or otherwise receive compensation from a person or entity that entered into a contract with the City within the 12 months prior to the officer or employee leaving City service where the officer or employee personally and substantially participated in the award of the contract.

(B) Waiver. At the request of a former City officer or employee, the Ethics Commission may waive the prohibition in subsection (a)(2)(A) if the Commission determines that imposing the restriction would cause extreme hardship for the former City officer or employee. The Ethics Commission shall adopt regulations implementing this provision.

(b) Mayor and Members of the Board of Supervisors.

(1) One year restriction on communicating with City departments. For purposes of the one-year restriction under subsection (a)(1)(D), the "department" for which a former Mayor or member of the Board of Supervisors served shall be the City and County and the prohibition in subsection (a)(1)(D) shall extend to communications with:

- (A) a board, department, commission or agency of the City and County;
 - (B) an officer or employee of the City and County;
 - (C) an appointee of a board, department, commission, agency, officer, or employee of the City and County; or
 - (D) a representative of the City and County.
- (2) City service. No former Mayor or member of the Board of Supervisors shall be eligible for a

period of one year after the last day of service as Mayor or member of the Board of Supervisors, for appointment to any full time, compensated employment with the City and County. This restriction shall not apply to a former Mayor or Supervisor elected to an office of the City and County, appointed to fill a vacancy in an elective office of the City and County, or appointed to a board or commission in the executive branch. (Added by Proposition E, 11/24/2003)

SEC. 3.236. AIDING AND ABETTING.

No person shall knowingly and intentionally provide assistance to or otherwise aid or abet any other person in violating any of the provisions of this Chapter. (Added by Proposition E, 11/24/2003)

SEC. 3.238. FILING OF FALSE CHARGES.

No person shall knowingly and intentionally file with the Ethics Commission, the District Attorney or the City Attorney any false charge alleging a violation of this Chapter. (Added by Proposition E, 11/24/2003)

SEC. 3.240. PROVISION OF FALSE OR MISLEADING INFORMATION; WITHHOLDING OF INFORMATION; AND DUTY TO COOPERATE AND ASSIST.

(a) **Prohibition.** No person shall knowingly and intentionally furnish false or fraudulent evidence, documents, or information to the Ethics Commission, District Attorney or City Attorney, or knowingly and intentionally misrepresent any material fact, or conceal any evidence, documents, or information relevant to an investigation by the Ethics Commission, District Attorney or City Attorney of an alleged violation of this Chapter.

(b) **Duty to Cooperate and Assist.** The Ethics Commission, District Attorney or City Attorney may request and shall receive from every City officer and employee cooperation and assistance with an investigation into an alleged violation of this Chapter. (Added by Proposition E, 11/24/2003)

SEC. 3.242. PENALTIES AND ENFORCEMENT.

(a) **Criminal Penalties.** Any person who knowingly or willfully violates any of the City's conflict of interest and governmental ethics laws shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$10,000 for each violation or by imprisonment in the County jail for a period of not more than one year in jail or by both such fine and imprisonment.

(b) **Civil Penalties.** Any person who intentionally or negligently violates any City conflict of interest or governmental ethics law shall be liable in a civil action brought by the City Attorney for an amount up to \$5,000 for each violation.

(c) **Injunctive Relief.** The City Attorney or any resident may bring a civil action on behalf of the people of San Francisco to enjoin violations of or compel compliance with a conflict of interest or governmental ethics law. No resident may commence a civil action under this section without first notifying the City Attorney in writing of the intent to file a civil action under this section. If the City Attorney fails to notify the resident within 120 days of receipt of the notice that the City Attorney has filed or will file a civil action, the complainant may file the action. No resident may file an action under this section if the City Attorney responds within 120 days that the City Attorney intends to file an action or has already filed a civil action. No resident may bring an action under this section if the Ethics

Commission has issued a finding of probable cause arising out of the same facts, the District Attorney has commenced a criminal action arising out of the same facts, or another resident has filed a civil action under this section arising out of the same facts. A court may award reasonable attorney's fees and costs to any resident who obtains injunctive relief under this section.

(d) **Administrative Penalties.** Any person who violates any of the City's conflict of interest or governmental ethics laws shall be liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter. In addition to the administrative penalties set forth in the Charter, the Ethics Commission may issue warning letters to City officers and employees.

(e) **Statute Of Limitations.** No person may bring a criminal, civil or administrative action under this section against any other person more than four years after the date of the alleged violation.
(Added by Proposition E, 11/24/2003)

SEC. 3.244. SEVERABILITY.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby. (Added by Proposition E, 11/24/2003)

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